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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,388	08/10/2001	David Collier	COL001	7101
7590	10/06/2003		EXAMINER	
Diedericks & Whitelaw 12471 Dillingham Square #301 Woodbridge, VA 22192			SINGH, SUNIL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/830,388</b>	Applicant(s) <b>Collier et al.</b>
	Examiner <b>Sunil Singh</b>	Art Unit <b>3673</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on \_\_\_\_\_.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-16 and 39-43 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 39-43 is/are allowed.

6)  Claim(s) 1-5, 9, and 14-16 is/are rejected.

7)  Claim(s) 6-8 and 10-13 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on Jun 19, 2003 is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellerman et al. (US 4040265).

Hellerman et al. discloses an offshore structure comprising a base (44), a deck (12,16) rectangularly shaped and a plurality of legs (18,20,22,24), the legs are attached outboard the deck (see col. 9 line 43), a connection is provided between an inwardly facing face of each leg and the deck (see Fig. 2)). The legs have a chord at each corner; the chord is circular; the leg is triangular (see col. col. 7 line 55); a shear plate (26,28,30,32) connected the deck to the legs.

3. Claims 1-4 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Corder (US 4266887)

Corder discloses an offshore structure comprising a base , a deck , a plurality of lattice legs, the legs are arranged outboard of the deck and a connection is provided between the

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inwardly facing face of each of said leg and the deck. The leg comprises chords that are circular in cross-section. The legs are triangular.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 3999396) in view of Hellerman et al. (US 4040265) or Dysarz '024.

Evans discloses an offshore structure comprising a deck (11) rectangularly shaped and a plurality of legs (17), the legs are attached outboard the deck (11), a connection is provided between an inwardly facing face of each leg and the deck (11) (see abstract). The legs have a chord at each corner; the chord is circular; the leg is triangular; a shear plate (12-14) connected the deck to the legs. Evans discloses the invention substantially as claimed. However, Evans lacks a base connected to his legs. Hellerman et al. and Dysarz both teach a base connected to legs (44, 19 respectively). It would have been considered obvious to one of ordinary skill in the art to modify Evans to include a base as taught by either Hellerman et al. or Dysarz in order to provide stability and levelness of an offshore platform.

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6. Claims 1-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over .

Dysarz (US 4388024)

Dysarz discloses an offshore structure (11) comprising a base (19), a deck (13), a plurality of lattice legs (15-17), the legs are arranged outboard of the deck (see Fig. 2A) and a connection (see col. 5 line 22) is provided between the inwardly facing face of each of said leg and the deck. The leg comprises chords that are circular in cross-section (see Fig. 14). The legs are triangular (see Fig. 1). Dysarz discloses the invention substantially as claimed. However, Dysarz is silent about his deck being rectangular in shape. Rectangular shaped decks are notoriously old and conventional. It would have been considered obvious to one of ordinary skill in the art to modify Dysarz by making his deck rectangular in shape as is conventional and old in the art since such a shape would be a design choice. It should be noted that such modification is obvious as suggested by Dysarz himself (see col. 4 line 37+) wherein a particular number of legs and deck shape is dependent on the particular use of the platform, environmental and other physical conditions.

7. Claims 5, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dysarz or Corder in view of Structural Steel Design (pages 207,237).

Dysarz and Corder both disclose the invention substantially as claimed. However they both are silent about the connection comprising a shear plate with top and bottom coupling plates. Structural Steel Design (pages 207 and 237) teaches that it is well known in connecting two structures there are numerous modes of failure, namely shear, bending and axial; therefore it

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is known to design a connection with a shear plate with a top and bottom coupling plates (see pages 207 and 237) to prevent the above mention modes of failure. It would have been considered obvious to one of ordinary skill in the art to modify either Dysarz or Corder to include the connecting means as taught <sup>in</sup> ~~Structural Steel Design~~ in order to prevent the structure from failing at the connection point between the legs and the deck.

***Allowable Subject Matter***

8. Claims 39-43 are allowed.
9. Claims 6-8 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed 6/19/03 have been fully considered but they are not persuasive. Applicant argues that the "Structural Steel Design Publication" does not teach the specific shear plate and coupling arrangement described and claimed in the present application. It should be noted that the shear plate and coupling arrangement called for in claims 5,9,14 and 15 only require a connecting means having a web and top and bottom flanges wherein such structure connects two members; it is clear that the cited "Structural Steel Design Publication" provides such teaching. In response to applicant's argument that there is no suggestion to combine the

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references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge generally available to one of ordinary skill in the art provides one with knowledge that it is well known in connecting two structures there are numerous modes of failure, namely shear, bending and axial; therefore it is known to design a connection with a shear plate with a top and bottom coupling plates (see pages 207 and 237) to prevent the above mention modes of failure. Therefore, it would have been considered obvious to one of ordinary skill in the art to modify either Dysarz or Corder to include the connecting means as taught Structural Steel Design in order to prevent the structure from failing at the connection point between the legs and the deck.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) -2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Sunil Singh

HEATHER SHACKELFORD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Patent Examiner

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SS  
9/17/03